

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
January 27, 2004

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Sherwood and Wilson.

• STUDY SESSION

> DISCUSSION REGARDING HEARINGS OFFICER RATE INCREASE REQUEST

Council reviewed this agenda item with staff. Council agreed to the request from Hearings Officer Larry Epstein for an hourly rate of \$140. Staff will contact Mr. Epstein to request that future rate increases be based on the Consumer Price Index to avoid lagging so far behind market. A proposed contract for the Hearings Officer will be submitted in the near future to the Council for consideration on a Consent Agenda.

(Skate Park Task Force Update Agenda Item was set over to 2/10/04)

> EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:33 p.m. to discuss labor negotiations under ORS 192.660(1d).

Study Session reconvened at 6:59 p.m.

The following Administrative Items were reviewed:

- a. Bull Mountain Annexation – White Papers (Memo from Jim Hendryx – distributed to Council)
- b. MITCH school – request to be scheduled on Council Agenda – Council consensus was to suggest information be shared with Council during a Visitor's Agenda.
- c. Revised Agenda – Items 4 & 5 combined to one item.
- d. Item 8 – “A-frame signs” public hearing – testimony from Bill Gross distributed to Council.
- e. Tour of new library site, March 13, 9 a.m. – (Memo from Margaret Barnes – distributed to Council)
- f. Items 8 & 9 – Revised Ordinances (Memo from Cathy Wheatley distributed to Council)

- g. Item 11 – Staff report and proposed resolution. (Distributed to Council for the Planned Development Code Review Committee)
- h. NLC Conference – April – Family and Youth Services (Email from Mayor Dirksen distributed to Council.)
- i. Council goal-setting minutes & final goal list (Distributed to Council)
- j. Regional Partners – Press Event on February 10 (Memo from Jim Hendryx distributed to Council)
- k. Request to schedule: Council consensus was to agree to schedule a Joint Meeting with the Tigard-Tualatin School District Board and the Tualatin City Council on Monday, April 5.
- l. Calendar Review
 - January 29 – Affordable Housing Symposium
 - February 10 – Council Business Meeting
 - February 12 – Special Meeting – Council Candidate Interviews
 - February 17 – Council Workshop Meeting
 - February 24 – Council Business Meeting
 - February 26 – Coffee Talk (Memo distributed to Council)

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the business meeting to order at 7:34 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Report: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Gretchen Buehner distributed maps to the Council showing properties that she said should be considered for annexation at the same time the “Gooley” annexation occurs.
- Alice Ellis Gaut urged Council to seek citizen participation/input in the Comprehensive Plan Review process at the very beginning.
- John Frewing noted concerns about a remark made by a Tigard Planning Commissioner that survey questions about the Comprehensive Plan review be structured so the “right” answers were given. Mr. Frewing commented that the City plans to conduct a survey for the Tigard Beyond Tomorrow visioning effort and he suggested the survey for the Comprehensive Plan be conducted at the same time.
- Mark Padgett referred to Mr. Frewing’s comment regarding a Commissioner asking that survey questions be structured so the “right” answers are given. Mr. Padgett clarified the Commissioner wanted questions to be structured so that respondents were encouraged to respond to issues pertinent to the Comprehensive Plan.

3. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows:

3.1 Local Contract Review Board:

- a. Award Contract for the Construction of an Aquifer Storage and Recovery Production Well and Test Well to Geo-Tech Explorations, Inc.

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. **COUNCIL GOAL UPDATE/CONSIDER APPROVING FINAL COUNCIL GOALS FOR 2004**

Mayor Dirksen reviewed 2003 goal achievement and announced the proposed 2004 goals.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt the 2004 Council goals as presented.

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. **UPDATE ON THE NEW TIGARD LIBRARY**

Library Director Barnes reviewed the progress on the new library construction. Current information can be found on the City's website as well as in the upcoming February edition of the Cityscape (Hard Hat Report.)

6. **ANNUAL REVIEW OF THE COMMUNITY ASSESSMENT PROGRAM**

Assistant to the City Manager presented the review of the Community Assessment Program. Highlights of her talk are included in a PowerPoint presentation, which is on file with the City Recorder. In addition, this presentation will be posted to the City's website.

7. PUBLIC HEARING (QUASI-JUDICIAL) – ANNEXATION OF THE CLEAN WATER SERVICES AND CITY OF TIGARD PARCELS (ZCA 2003-00007)

REQUEST: The applicants are requesting to annex four (4) parcels of land containing 47 acres near Cook Park into the City of Tigard. **LOCATION:** Washington County Tax Assessor's Map Numbers 2S114AD, Tax Lots 100 and 200; and 2S114DA, Tax Lots 100 and 300. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. City Attorney Ramis reviewed the hearing process.
- b. No conflicts of interest were reported by Council members. No ex parte contacts were reported by Council members. There were no challenges from the audience pertaining to the Council's jurisdiction to hear this matter nor was there a challenge on the participation of any member of the Council.
- c. Mayor Dirksen opened the public hearing.
- d. Associate Planner Scheidegger presented the staff report. He noted the services available for this site if annexed, including storm drainage, sanitary sewer, and water. A memorandum dated January 26, 2004, to the City Council, was distributed and referred to by Mr. Scheidegger, which presented a finding regarding services and facilities available to the area (Tigard Development Code Section 18.320.020.B.1). A copy of this memorandum is on file with the City Recorder.
- e. Public Testimony

Mayor Dirksen read the following:

For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

- John Frewing 7100 SW Lola Lane, Tigard, OR referred to an e-mail communication he forwarded to Associate Planner Scheidegger. Mr. Frewing stated that the staff report does not address the decision criteria of Development Code 18.320.020 (B) about availability of public facilities and whether the applicable comprehensive plan policies and implementing ordinance provisions have been satisfied. Mr. Frewing did not have an opportunity to review staff's January 26, 2004, memo addressing the finding for the above-referenced Code section.

Meeting recessed at 8:54 p.m. to retrieve a copy of Mr. Frewing's e-mail as noted above.

Meeting reconvened at 9:04 p.m.

Council discussed the issues brought up by Mr. Frewing and memo to provide the finding on services and facilities issued by Mr. Scheidegger. City Attorney Ramis commented that the Council should consider whether there is capacity to serve the area being annexed and would it be feasible to extend services to the site.

Mayor Dirksen commented he was satisfied that the issues raised by Mr. Frewing had been addressed.

- f. Mayor Dirksen closed the public hearing.
- g. Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Ordinance No. 04-01.

ORDINANCE NO. 04-01 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA)2003-00007 (CLEAN WATER SERVICES ANNEXATION) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT, AND TRANSFERRING SANITARY SEWER SERVICE FROM CLEAN WATER SERVICES.

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. PUBLIC HEARING (LEGISLATIVE) - CONSIDER AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.780 TO ALLOW A-FRAME SIGNS WITHIN RESIDENTIAL ZONES, SUBJECT TO LIMITATIONS, AND TO MODIFY THE AMOUNT OF TEMPORARY SIGNAGE (ZOA 2003-00002)

REQUEST: A Zone Ordinance Amendment to amend the sign regulations to allow temporary A-frame signs in residential zones without a permit subject to size and placement restrictions. **LOCATION:** Residential Zones. **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1 and 2; and Community Development Code Chapters 18.380, 18.390 and 18.780.

- a. Mayor Dirksen opened the Public Hearing.
- b. Associate Planner Tracy presented the staff report, which is on file with the City Recorder. Also on file with the City Recorder is a copy of Mr. Tracy's notes on his presentation to the City Council. Mr. Tracy noted staff recommended changes to address an issue regarding definitions which would have prohibited A-frame signs in commercial and industrial zones. In addition, staff recommended that language be struck from the proposed amendment pertaining to limitations on the size of temporary lawn signs, apart from the four square-foot per face size limitation on A-frames. To address an issue brought forward by Mr. Bill Gross (Ballot Measure 56 notification), staff is recommending the amendment to the sign code be restricted to limit size of A-frame signs only.
- c. Public Testimony
 - Mark Padgett, 12974 SW Princeton Lane, Tigard OR advised he is the Chair of the Planning Commission. Mr. Padgett explained the concerns on the part of the Planning Commission that more signs in the right-of-way would be likely if A-frame signs were allowed in residential zones and the Planning Commission felt strongly that a corresponding increase in the fee for violations be considered.
 - Gretchen Buehner, 13249 SW 136th Place, Tigard, OR advised she is a member of the Planning Commission. She advised of her personal experience where directional signs are placed on her property frequently without her permission. She noted her agreement that fines should be increased for sign code violations.

Councilor Wilson acknowledged Ms. Buehner's objections to signs being placed on her property without her permission; although, the issues before the Council do not appear to address these types of situations.

Associate Planner Morgan affirmed that A-frame signs should not be placed on the sidewalk (public rights of way).

- Martha Brooks, Vice President of Governmental Affairs for the Metro Association of Realtors, 5331 SW Macadam, Portland, OR 97239, (Ms. Brooks was accompanied by Jane Leo, Legal Counsel representing the Metro Association of Realtors), testified that A-frame signs were standard tools for the real estate community. She referred to the Planning Commission recommendation and requested that the sign area be increased to six square feet per side.
 - Heather Adams, 12655 SW North Dakota Street, Tigard, OR, testified as the applicant for the sign code amendment. Ms. Adams testified on the sign-size restrictions noting objections to the Planning Commission recommendation that signs be limited to four square feet per face. She asked the Council to approve use of A-frame signs on residential property, allow signs in all residential areas up to 24 square feet. She noted signs would only be allowed on private property.
- d. Mayor Dirksen closed the public hearing.
- e. Council discussion followed regarding the size of the signs. Consensus of the Council was to allow A-frames up to six square feet per side, as this appears to be consistent with neighboring jurisdictions. Changes agreed to by Council included the following (incorporated into Ordinance No. 04-02) as amended:

18.780.015 – Definitions

- c. Lawn Sign - temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn freestanding sign in residential zones which is exempt from sign permit requirements provided the size requirements in Subsection 18.780.060 [B2.] can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Subsection 18.780.100.

18.780.060 – Permit Exceptions

1. Lawn signs which do not exceed the maximum allowable area on one premise regardless of the number of signs as follows:
 - a. A total of ~~[12]~~ 24 square feet in the ~~[R-1, R-2, R-3.5, R-4.5, and R-7]~~ residential zones.
 - b. ~~[A total of 24 square feet in the R-12, R-25 and R-40 zones.]~~ A-frame signs shall be no greater than 6 square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right of way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8 AM and 6 PM.

City Manager drew Council's attention to the fact that approval of the ordinance would mean a 3x4' sign would be allowed on all properties. He said that this would exceed the limits now in place by neighboring jurisdictions. Councilor Wilson advised he would prefer to deal with this concern if it becomes a problem.

- f. Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Ordinance No. 04-02, as amended.

ORDINANCE NO. 04-02 – AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.780 TO ALLOW A-FRAME SIGNS WITHIN RESIDENTIAL ZONES, SUBJECT TO SIZE AND PLACEMENT LIMITATIONS, AND TO MODIFY THE AMOUNT OF TEMPORARY SIGNAGE THAT IS ALLOWED.

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. PUBLIC HEARING (LEGISLATIVE) - CONSIDER AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.230 SECTION 030(D) TO MAKE THE DEFINITION OF "RESPONSIBLE PARTY" CONSISTENT AND CHAPTER 18.780 TO CLARIFY LANGUAGE PROHIBITING "BILLBOARDS" (ZOA 2003-00003)

REQUEST: To review and amend the Tigard Sign Code Chapter 18.780 to clarify language regarding "Billboards" and "Freestanding Freeway Oriented Signs," and to amend the language of Section 18.230.030 to make the definition of "Responsible Party" consistent with Tigard Municipal Code Section 18.740.020(A)(1-3).

LOCATION: Citywide. **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1 and 2; and Community Development Code Chapters 18.230, 18.380, 18.390 and 18.780.

- a. Mayor Dirksen opened the public hearing.
- b. Associate Planner Kilby presented the staff report regarding the proposed amendment to Tigard Development Code Chapter 18.230. A copy of the staff report is on file with the City Recorder. In response to a question from Councilor Wilson, Associate Planner Kilby commented on the process for citing violators. A citation is issued first to the offender and if compliance is not achieved, then the property owner is then cited.
- c. Public testimony: None
- d. Mayor Dirksen closed the public hearing.
- e. Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Ordinance No. 04-03.

ORDINANCE NO. 04-03 – AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.230 SECTION 030(D) TO MAKE THE DEFINITION OF "RESPONSIBLE PARTY" CONSISTENT WITH THE TIGARD MUNICIPAL CODE, AND CHAPTER 18.780 TO CLARIFY LANGUAGE THAT SERVES TO PROHIBIT "BILLBOARDS" WITHIN THE TIGARD CITY LIMITS AND TO DECLARE AN EMERGENCY

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

10. CONSIDER ESTABLISHING TASK FORCES WITH REGARD TO THE ANNEXATION OF BULL MOUNTAIN

Four subcommittees will be formed for areas of Police, Parks, Streets (Capital Improvements & Maintenance), and Planning. As names of applicants are received, the Mayor will assign placement of individuals on subcommittees. If an overwhelming amount of names are received for a subcommittee, the Mayor's Appointment Committee will evaluate how to assign members to the subcommittee. Subcommittees shall be balanced with Tigard citizen and Bull Mountain citizen representatives. City staff appointments have been made. Tigard staff is working with Washington County to determine who from the County will serve on each of the subcommittees.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to establish the subcommittee task forces with the Mayor making the final decision with assistance from staff on the names of four or more volunteers for each task force; individuals may only serve on one task force.

The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

11. CONSIDER A RESOLUTION FORMING THE COMMITTEE TO REVIEW THE PLANNED DEVELOPMENT SECTION OF THE COMMUNITY DEVELOPMENT CODE

Community Development Director Hendryx reviewed the proposed resolution. Councilor Wilson commented that he hoped that the "real issues" could be identified to find out why people are not happy with the Code.

Mayor Dirksen read the proposed resolution.

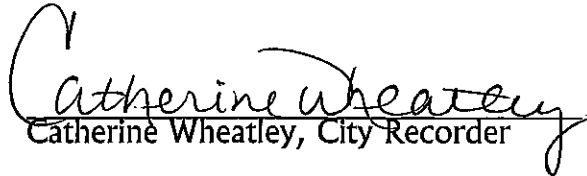
Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 04-08.

RESOLUTION NO. 04-08 – A RESOLUTION TO FORM THE PLANNED DEVELOPMENT CODE REVIEW COMMITTEE.

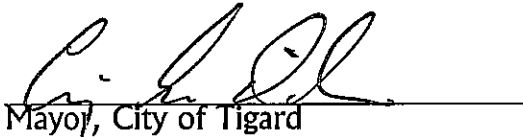
The motion was approved by a unanimous vote of Council members present:

Mayor Dirksen	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- 12. COUNCIL LIAISON REPORTS: None
- 13. NON AGENDA ITEMS: None
- 14. EXECUTIVE SESSION: Not held.
- 15. ADJOURNMENT: 10:55 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard

Date: 3.9.04

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